

**MINUTES**  
**WATER QUALITY MANAGEMENT ADVISORY COUNCIL**  
**October 1, 2019**  
**Oklahoma Department of Environmental Quality**  
**Multipurpose Room**  
**Oklahoma City, Oklahoma**

**Official WQMAC**

**Approved at January 7, 2020 Meeting**

**Notice of Public Meeting** – The Water Quality Management Advisory Council (WQMAC) convened for a Regular Meeting at 2:00 p.m. at the Oklahoma Department of Environmental Quality (DEQ), 707 North Robinson, Oklahoma City, Oklahoma. The meeting was held in accordance with the Open Meeting Act, with notice of the meeting given to the Secretary of State on June 4, 2019. The agenda was posted at DEQ twenty-four hours prior to the meeting. Mr. Brian Duzan, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

**MEMBERS PRESENT**

Robert Carr  
Mary Elizabeth Mach  
Brian Duzan  
Mark Matheson  
Jon Nelson  
Jim Rodriguez  
Jeff Short  
Steve Sowers  
Debbie Wells  
Duane Winegardner

**MEMBERS ABSENT**

Terry Wyatt

**DEQ STAFF PRESENT**

Shellie Chard  
Terry Lyhane  
David Pruitt  
Mark Hildebrand  
Michelle Wynn  
Travis Couch  
Traci Kelly  
Richard McDaniel  
Nicholas Huber  
Jennifer Boyle  
Betsey Streuli  
Jeff Franklin  
Trevor Hammons  
Greg Carr  
Quiana Fields

**OTHERS PRESENT**

Jennifer Payne Kaelin, Court Reporter

**Mr. Rodriguez announced that he will be resigning from the WQMAC after the meeting, due to accepting a position with the Oklahoma Department of Mines.**

*See transcript pages 4 - 6*

**Approval of Minutes from the January 8, 2019 Meeting** – Mr. Duzan called for a motion to approve the Minutes of the January 8, 2019 Regular Meeting. Mr. Carr moved to approve and Mr. Winegardner made the second.

*See transcript pages 6 - 7*

Robert Carr	Yes	Jeff Short	Yes
Mary Elizabeth Mach	Abstain	Steve Sowers	Yes
Mark Matheson	Yes	Debbie Wells	Yes
Jon Nelson	Yes	Duane Winegardner	Yes
Jim Rodriguez	Yes	Brian Duzan	Yes

**COUNCIL MEETING SCHEDULE FOR 2020** – Mr. Duzan called for a motion to approve the 2020 schedule as outlined in the agenda; January 7, April 21, July 21 and September 29. Mr. Carr moved to approve and Mr. Nelson made the second.

*See transcript pages 7 – 8*

Robert Carr	Yes	Jeff Short	Yes
Mary Elizabeth Mach	Yes	Steve Sowers	Yes
Mark Matheson	Yes	Debbie Wells	Yes
Jon Nelson	Yes	Duane Winegardner	Yes
Jim Rodriguez	Yes	Brian Duzan	Yes

## **DISCUSSION OF RULEMAKING FOR FY 2020:**

**OAC 252:641 – INDIVIDUAL AND SMALL PUBLIC ONSITE SEWAGE TREATMENT SYSTEMS** – Mr. Nicholas Huber, Environmental Programs Manager of the ECLS Division, stated that the DEQ staff will be proposing to update Chapter 614 to: clarify language, update definitions, evaluate soil test requirements, clarify relationship with plumbing code and DEQ rules and expand rules for aerobic systems to include commercial facilities. DEQ plans to ask the WQMAC to vote on proposed changes at the January 2020 WQMAC meeting. There were comments by the Council and none by the public.

*See transcript pages 9 – 18*

**Mr. Duzan stated the WQMAC has a new councilmember, Ms. Mary Elizabeth Mach and she introduced herself.**

*See transcript page 18 - 19*

**OAC 252:710 – WATERWORKS AND WASTEWATER WORKS OPERATOR CERTIFICATION** – Mr. Mark Hildebrand, Environmental Programs Manager of the WQD, stated that the DEQ staff will provide an update on the proposed rule changes recommended by staff and the stakeholder group. DEQ plans to ask the WQMAC to vote on proposed changes at the January 2020 WQMAC meeting. There were comments by the Council and by the public.

*See transcript pages 19 - 45*

**DIRECTOR'S REPORT** – Ms. Shellie Chard, Division Director of the WQD, provided an update on other division activities.

*See transcript pages 46 – 61*

**NEW BUSINESS** – None

**ANNOUNCEMENTS** – The next scheduled WQMAC meeting will be on January 7, 2020 at 2:00 p.m. in the Multi-Purpose Room, 1<sup>st</sup> floor, DEQ building.

**ADJOURNMENT** - Mr. Duzan entertained a motion to adjourn. Mr. Nelson moved to adjourn and Mr. Winegardner made the second. The meeting was adjourned at 3:25 p.m.

*See transcript pages 61 – 62*

Robert Carr	Yes	Jeff Short	Yes
Mary Elizabeth Mach	Yes	Steve Sowers	Yes
Mark Matheson	Yes	Debbie Wells	Yes
Jon Nelson	Yes	Duane Winegardner	Yes
Jim Rodriguez	Yes	Brian Duzan	Yes

**Transcripts and Attendance Sheet are attached as an official part of these Minutes.**

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER QUALITY MANAGEMENT ADVISORY COUNCIL

PUBLIC MEETING

OCTOBER 1, 2019 - 2:00 P.M.

Multi-Purpose Room, 1st Floor  
DEQ Building  
707 N. Robinson  
Oklahoma City, OK

REPORTED BY: JENNIFER PAYNE KAELEN, CSR

<p style="text-align: right;">Page 2</p> <p>1 BOARD MEMBERS PRESENT:</p> <p>2 MR. BRIAN DUZAN - CHAIRMAN</p> <p>3 MR. DUANE WINEGARDNER, VICE-CHAIRMAN</p> <p>4 MR. JIM RODRIGUEZ</p> <p>5 MR. JEFFREY SHORT</p> <p>6 MR. STEVE SOWERS</p> <p>7 MS. DEBBIE WELLS</p> <p>8 MR. JON NELSON</p> <p>9 MS. MARY ELIZABETH MACH</p> <p>10 MR. ROBERT CARR</p> <p>11 MR. MARK MATHESON</p> <p>12 MS. TERRY WYATT - absent</p> <p>13 ALSO PRESENT:</p> <p>14 Ms. Quiana Fields, Secretary of Board and Council</p> <p>15 Mr. Nicholas Huber, DEQ Environmental Complaints and Local Services Division</p> <p>16</p> <p>17 Mr. Mark Hildebrand, Environmental Programs Manager for the Water Quality Division</p> <p>18</p> <p>19 Ms. Shellie Chard, Water Quality Division Director</p> <p>20 Mr. Chris Wisniewski, DEQ Operator Certification Program</p> <p>21 Mr. David Pruitt, DEQ Environmental Manager Water Quality</p> <p>22 Ms. Cathy Gillingham, City of Tulsa</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 CALL TO ORDER - 2:00 p.m.</p> <p>2 CHAIRMAN BRIAN DUZAN: This regular meeting of</p> <p>3 the Water Quality Management Advisory Council was called</p> <p>4 in accordance with the Open Meeting Act.</p> <p>5 Notice for this October 1st, 2019, meeting was filed</p> <p>6 with the Secretary of State on June 4th, 2019. The</p> <p>7 Agenda was duly posted at the DEQ at least 24 hours prior</p> <p>8 to the meeting.</p> <p>9 Only matters appearing on the posted Agenda may be</p> <p>10 considered at this regular meeting. In the event that</p> <p>11 this meeting is continued or reconvened, public notice of</p> <p>12 the date, time, and place of the continued meeting will</p> <p>13 be given by announcement at this meeting. Only matters</p> <p>14 appearing on the Agenda of a meeting which is continued</p> <p>15 may be discussed at the continued or reconvened meeting.</p> <p>16 Roll call.</p> <p>17 MS. QUIANA FIELDS: Mr. Carr.</p> <p>18 MR. ROBERT CARR: Here.</p> <p>19 MS. QUIANA FIELDS: Ms. Mach.</p> <p>20 MS. MARY ELIZABETH MACH: Here.</p> <p>21 MS. QUIANA FIELDS: Mr. Matheson.</p> <p>22 MR. MARK MATHESON: Here.</p> <p>23 MS. QUIANA FIELDS: Mr. Nelson.</p> <p>24 MR. JON NELSON: Here.</p> <p>25 MS. QUIANA FIELDS: Mr. Rodriguez.</p>
<p style="text-align: right;">Page 4</p> <p>1 MR. JIM RODRIGUEZ: Here.</p> <p>2 MS. QUIANA FIELDS: Mr. Short.</p> <p>3 MR. JEFFREY SHORT: Here.</p> <p>4 MS. QUIANA FIELDS: Mr. Sowers.</p> <p>5 MR. STEVE SOWERS: Here.</p> <p>6 MS. QUIANA FIELDS: Ms. Wells.</p> <p>7 MS. DEBBIE WELLS: Here.</p> <p>8 MS. QUIANA FIELDS: Mr. Winegardner.</p> <p>9 MR. DUANE WINEGARDNER: Here.</p> <p>10 MS. QUIANA FIELDS: Ms. Wyatt is absent.</p> <p>11 Mr. Duzan.</p> <p>12 CHAIRMAN BRIAN DUZAN: Here.</p> <p>13 MS. QUIANA FIELDS: We have a quorum.</p> <p>14 CHAIRMAN BRIAN DUZAN: Okay. We would also, at</p> <p>15 this time, like to turn the floor over to Mr. Rodriguez.</p> <p>16 MR. JIM RODRIGUEZ: Thank you, Mr. Chairman.</p> <p>17 I would like to let everyone know that this is my</p> <p>18 last meeting, and I am resigning effective the end of the</p> <p>19 meeting. And the reason for my resignation is I have</p> <p>20 accepted a position with the Oklahoma Department of Mines</p> <p>21 where I will be assisting in some work in the</p> <p>22 implementation of new legislation that was passed by</p> <p>23 Oklahoma Legislature in the last session, and the</p> <p>24 specific bill is 2471. I'll be working with the</p> <p>25 Department at least through the end of the year, perhaps</p>	<p style="text-align: right;">Page 5</p> <p>1 a little longer.</p> <p>2 One of the requirements of that legislation is that</p> <p>3 the Department of Mines, DEQ, OWRB, and other interested</p> <p>4 parties work toward some new science and new regulations</p> <p>5 regarding water and mining over the Arbuckle-Simpson</p> <p>6 Aquifer. And because -- and really back when</p> <p>7 Senator Bingman assigned me to this board -- or council</p> <p>8 eight and a half years ago, one of the reasons he</p> <p>9 assigned me was because I was deeply involved in the</p> <p>10 Arbuckle-Simpson Aquifer. And those of you who are aware</p> <p>11 of that history know that we will continue to make more</p> <p>12 history with the Arbuckle-Simpson Aquifer as we go</p> <p>13 forward.</p> <p>14 So I wanted to express my deep gratitude for the</p> <p>15 time that I've had on this council. I have found the</p> <p>16 council members and -- and, Duane, I believe you may be</p> <p>17 the only member that was here when I started. Anyone</p> <p>18 else here when I started?</p> <p>19 MR. JEFFREY SHORT: (Indicating.)</p> <p>20 MS. SHELLIE CHARD: Jeff.</p> <p>21 MR. JIM RODRIGUEZ: Okay. So there's two.</p> <p>22 (Laughter.)</p> <p>23 MR. JIM RODRIGUEZ: But it's -- you know, I've</p> <p>24 enjoyed this work. It's important work. And the staff</p> <p>25 has been most professional and helpful. Oklahoma has a</p>

<p style="text-align: right;">Page 6</p> <p>1 jewel here at DEQ with these advisory councils. The</p> <p>2 promulgation of rules is significant work. And it goes a</p> <p>3 lot better when those affected by those rules take part</p> <p>4 in the discussions that lead to the promulgation of those</p> <p>5 rules.</p> <p>6 And the council, obviously, also gives those</p> <p>7 affected opportunities to express themselves in other</p> <p>8 ways for other purposes during their tenure. It works</p> <p>9 well, and I salute the efforts. Again, I enjoyed it.</p> <p>10 Thank you very much.</p> <p>11 CHAIRMAN BRIAN DUZAN: Well, I'd like to thank</p> <p>12 you for your service. You've been a valuable part of the</p> <p>13 council for eight and a half years. What you bring has</p> <p>14 always been very important, and we wish you nothing but</p> <p>15 the best as you move forward in your career.</p> <p>16 MR. JIM RODRIGUEZ: Thank you.</p> <p>17 CHAIRMAN BRIAN DUZAN: Next on the list is the</p> <p>18 approval of the minutes from the January 8th meeting.</p> <p>19 It's been awhile.</p> <p>20 MR. ROBERT CARR: Move approval.</p> <p>21 MR. DUANE WINEGARDNER: Second.</p> <p>22 CHAIRMAN BRIAN DUZAN: Okay. We have a motion</p> <p>23 for approval and a second.</p> <p>24 Vote.</p> <p>25 MS. QUIANA FIELDS: Mr. Carr.</p>	<p style="text-align: right;">Page 7</p> <p>1 MR. ROBERT CARR: Yes.</p> <p>2 MS. QUIANA FIELDS: Ms. Mach.</p> <p>3 MS. MARY ELIZABETH MACH: Abstain.</p> <p>4 MS. QUIANA FIELDS: Mr. Matheson.</p> <p>5 MR. MARK MATHESON: Yes.</p> <p>6 MS. QUIANA FIELDS: Mr. Nelson.</p> <p>7 MR. JON NELSON: Yes.</p> <p>8 MS. QUIANA FIELDS: Mr. Rodriguez.</p> <p>9 MR. JIM RODRIGUEZ: Yes.</p> <p>10 MS. QUIANA FIELDS: Mr. Short.</p> <p>11 MR. JEFFREY SHORT: Yes.</p> <p>12 MS. QUIANA FIELDS: Mr. Sowers.</p> <p>13 MR. STEVE SOWERS: Yes.</p> <p>14 MS. QUIANA FIELDS: Ms. Wells.</p> <p>15 MS. DEBBIE WELLS: Yes.</p> <p>16 MS. QUIANA FIELDS: Mr. Winegardner.</p> <p>17 MR. DUANE WINEGARDNER: Yes.</p> <p>18 MS. QUIANA FIELDS: Mr. Duzan.</p> <p>19 CHAIRMAN BRIAN DUZAN: Yes.</p> <p>20 MS. QUIANA FIELDS: Motion passed.</p> <p>21 CHAIRMAN BRIAN DUZAN: Okay. Next is the</p> <p>22 meeting schedule for next year, 2020. We have some</p> <p>23 proposed dates on the Agenda. I'm open for comments.</p> <p>24 (No response.)</p> <p>25 CHAIRMAN BRIAN DUZAN: Do we have a motion to</p>
<p style="text-align: right;">Page 8</p> <p>1 approve them?</p> <p>2 MR. ROBERT CARR: Move approval.</p> <p>3 MR. JON NELSON: Second.</p> <p>4 CHAIRMAN BRIAN DUZAN: Okay. Vote.</p> <p>5 MS. QUIANA FIELDS: Mr. Carr.</p> <p>6 MR. ROBERT CARR: Yes.</p> <p>7 MS. QUIANA FIELDS: Ms. Mach.</p> <p>8 MS. MARY ELIZABETH MACH: Yes.</p> <p>9 MS. QUIANA FIELDS: Mr. Matheson.</p> <p>10 MR. MARK MATHESON: Yes.</p> <p>11 MS. QUIANA FIELDS: Mr. Nelson.</p> <p>12 MR. JON NELSON: Yes.</p> <p>13 MS. QUIANA FIELDS: Mr. Rodriguez.</p> <p>14 MR. JIM RODRIGUEZ: Yes.</p> <p>15 MS. QUIANA FIELDS: Mr. Short.</p> <p>16 MR. JEFFREY SHORT: Yes.</p> <p>17 MS. QUIANA FIELDS: Mr. Sowers.</p> <p>18 MR. STEVE SOWERS: Yes.</p> <p>19 MS. QUIANA FIELDS: Ms. Wells.</p> <p>20 MS. DEBBIE WELLS: Yes.</p> <p>21 MS. QUIANA FIELDS: Mr. Winegardner.</p> <p>22 MR. DUANE WINEGARDNER: Yes.</p> <p>23 MS. QUIANA FIELDS: Mr. Duzan.</p> <p>24 CHAIRMAN BRIAN DUZAN: Yes.</p> <p>25 MS. QUIANA FIELDS: Motion passed.</p>	<p style="text-align: right;">Page 9</p> <p>1 CHAIRMAN BRIAN DUZAN: Okay. Next on the</p> <p>2 Agenda is the discussion of rulemaking for the fiscal</p> <p>3 year 2020. We have Nicholas Huber going to give a</p> <p>4 presentation.</p> <p>5 MR. NICHOLAS HUBER: To the podium here or</p> <p>6 just --</p> <p>7 CHAIRMAN BRIAN DUZAN: Yes.</p> <p>8 MR. NICHOLAS HUBER: Okay. Thank you. My name</p> <p>9 is Nicholas Huber. I'm with the Environmental Complaints</p> <p>10 and Local Services Division.</p> <p>11 MR. MARK HILDEBRAND: Push that button. There</p> <p>12 we go.</p> <p>13 MR. NICHOLAS HUBER: Is that --</p> <p>14 MR. MARK HILDEBRAND: Oh, there you go. We're</p> <p>15 good. Sorry.</p> <p>16 MR. NICHOLAS HUBER: I'm here today to</p> <p>17 basically take the time to inform you we're looking to</p> <p>18 bring proposed rules, draft rules to the January meeting</p> <p>19 for you guys to make a recommendation to the</p> <p>20 Environmental Quality Board for approval.</p> <p>21 Up to this point, we've conducted some outreach to</p> <p>22 our staff, our regulated community, stakeholders as it</p> <p>23 applies to on-site septic systems in Oklahoma. We've</p> <p>24 sent out surveys to several of those members, most --</p> <p>25 mainly our certified installers requesting feedback and</p>

<p style="text-align: right;">Page 10</p> <p>1 comments of changes that they would like to see.</p> <p>2 We actually completed outreach meetings last week</p> <p>3 here and in Tulsa to discuss some of those proposed</p> <p>4 changes with them and elicit their comments. We will</p> <p>5 more than likely look at making some additional outreach</p> <p>6 attempts with that community through their organization</p> <p>7 that they maintain within the state through the Oklahoma</p> <p>8 Onsite Wastewater Association.</p> <p>9 Some of the proposed changes, that we're looking to</p> <p>10 bring, are the removal of percolation test method as is</p> <p>11 currently stated in the rules. We're trying to address</p> <p>12 issues that have come up through the plumbing code and</p> <p>13 how our rules apply so we're not having jurisdictional</p> <p>14 issues there.</p> <p>15 We're proposing significant changes to how aerobic</p> <p>16 systems are applied through commercial facilities, trying</p> <p>17 to expand some of the applications for those systems.</p> <p>18 For small public lagoons, we're looking to provide some</p> <p>19 guidance and closure requirements so that facilities,</p> <p>20 that are wanting to close those systems that are no</p> <p>21 longer in use, can do so.</p> <p>22 We're also evaluating our certified installer and</p> <p>23 soil profiler licensing requirements, provide them with a</p> <p>24 little bit more information on complying with the</p> <p>25 timeframes for application, along with some of the fee</p>	<p style="text-align: right;">Page 11</p> <p>1 schedules that we have established in the rules now.</p> <p>2 There are other smaller changes that are looking to</p> <p>3 try to clarify some of the language and how it's written</p> <p>4 to make it a little bit easier for everybody to work</p> <p>5 through installation requirements.</p> <p>6 The NRI looks to be probably submitted for public</p> <p>7 comment period in November around the 15th, and then we</p> <p>8 would have the completed draft rules proposed in January.</p> <p>9 CHAIRMAN BRIAN DUZAN: Okay. Questions,</p> <p>10 comments from the council?</p> <p>11 MR. JEFFREY SHORT: Well, the removal of the</p> <p>12 perc test, is that because we now have soil profiles</p> <p>13 throughout the state, or we can develop a soil profile,</p> <p>14 or what -- what is the idea behind removing the perc</p> <p>15 test?</p> <p>16 MR. NICHOLAS HUBER: The idea behind the</p> <p>17 removal of the percolation test is to provide more</p> <p>18 information in our test methods in the design and siting</p> <p>19 of -- of on-site septic systems, provide more information</p> <p>20 to site-specific limitations. They are very important at</p> <p>21 how the systems are to function throughout their use.</p> <p>22 MR. JEFFREY SHORT: Would that be moved to an</p> <p>23 appendix or --</p> <p>24 MR. NICHOLAS HUBER: Any changes in the</p> <p>25 drafting of the rules would be through the appendix. I</p>
<p style="text-align: right;">Page 12</p> <p>1 mean, we would move -- we would look to remove the entire</p> <p>2 section describing the percolation test method.</p> <p>3 MR. JON NELSON: So do you know where the words</p> <p>4 "domestic strength wastewater" is? It's defined in the</p> <p>5 front, but I'm not sure -- I never found it in the</p> <p>6 document.</p> <p>7 MR. NICHOLAS HUBER: The reason for the</p> <p>8 definition addition of the "domestic strength wastewater"</p> <p>9 is so that it allows us to expand that application of</p> <p>10 aerobic systems to small public system or small public</p> <p>11 facilities.</p> <p>12 The definition is used in NSF certification of</p> <p>13 aerobic systems, and that allows us to define that</p> <p>14 strength of waste so that we can classify certain</p> <p>15 facilities that generate normal residential waste within</p> <p>16 that frame of a 100 to 300 milligrams per liter.</p> <p>17 MS. SHELLIE CHARD: Jon, if I may.</p> <p>18 Shellie Chard, Water Quality Division Director.</p> <p>19 If you look on Page 17 in 252:641-10-1, domestic</p> <p>20 strength wastewater is used in that section.</p> <p>21 MR. JON NELSON: Okay. All right. Which</p> <p>22 brings me to my other question. So there's no conflict,</p> <p>23 because the definition of sewage is also in the</p> <p>24 definition.</p> <p>25 MR. NICHOLAS HUBER: Correct.</p>	<p style="text-align: right;">Page 13</p> <p>1 MR. JON NELSON: Sewage is now related more to</p> <p>2 individual systems or --</p> <p>3 MR. NICHOLAS HUBER: Well, sewage is defined as</p> <p>4 those -- waste generated from activities, such as</p> <p>5 restroom use.</p> <p>6 MR. JON NELSON: Right.</p> <p>7 MR. NICHOLAS HUBER: And that domestic strength</p> <p>8 waste would fall within that scope.</p> <p>9 MR. JON NELSON: Okay. So it's a subset of</p> <p>10 that basically?</p> <p>11 MR. NICHOLAS HUBER: Yes. It allowed us to</p> <p>12 expand that system application. Currently the use of</p> <p>13 aerobic systems for small public facilities are not</p> <p>14 allowed because of they are used only for residential</p> <p>15 waste for individual residential systems.</p> <p>16 MR. MARK MATHESON: Well, eventually, if</p> <p>17 they're small enough, then as long they don't have any</p> <p>18 industrial waste, then they could possibly use the</p> <p>19 aerobic --</p> <p>20 MR. NICHOLAS HUBER: Correct. Industrial waste</p> <p>21 will be excluded from the definition of sewage. The</p> <p>22 inclusion of the domestic strength waste would allow us</p> <p>23 to look at offices, non-restaurant waste where you have</p> <p>24 higher BOD loadings --</p> <p>25 MR. MARK MATHESON: Right.</p>

<p style="text-align: right;">Page 14</p> <p>1 MR. NICHOLAS HUBER: -- that would result in</p> <p>2 issues. So it's -- it's a product of our alternative</p> <p>3 review process that we have where we have systems that</p> <p>4 don't fall within the rules, we're able to issue</p> <p>5 individual permits for. And those systems, that</p> <p>6 evaluation of that process, has allowed us to see that</p> <p>7 there's a need to include these systems in our rules.</p> <p>8 MR. JON NELSON: One other question.</p> <p>9 MR. NICHOLAS HUBER: Uh-huh.</p> <p>10 MR. JON NELSON: Under 12-7 it talks about the</p> <p>11 location of spray irrigation fields. I recently had a</p> <p>12 rather bad experience with an aerobic system, and I see</p> <p>13 where there's -- I didn't find, at any rate, where there</p> <p>14 were was a definition of where the irrigation fields can</p> <p>15 sit and if there's any clearance restrictions as far as</p> <p>16 dwellings or property lines or anything like that.</p> <p>17 MR. NICHOLAS HUBER: Yeah. So the separation</p> <p>18 distances, as they sit now, are now in the appendix.</p> <p>19 MR. JON NELSON: Okay.</p> <p>20 MR. NICHOLAS HUBER: And they were not included</p> <p>21 in this draft of language that we were proposing, so...</p> <p>22 MR. JON NELSON: Okay. If we consider this</p> <p>23 next time, I'd like to have the appendixes in the copy.</p> <p>24 MR. NICHOLAS HUBER: Okay.</p> <p>25 MR. JON NELSON: Would that be okay?</p>	<p style="text-align: right;">Page 15</p> <p>1 MR. NICHOLAS HUBER: Yes, sir.</p> <p>2 MR. JON NELSON: So that's covered in there.</p> <p>3 MR. NICHOLAS HUBER: Yes. It provides for</p> <p>4 separation distances, and that is one change that the</p> <p>5 regulated community has requested because of issues with</p> <p>6 installations is defining some of those a little bit</p> <p>7 better, and also reducing the separation distances for</p> <p>8 property lines from the sprinkler heads and the sprinkler</p> <p>9 spray.</p> <p>10 MR. JON NELSON: Based on my experience, we</p> <p>11 don't need to reduce them.</p> <p>12 (Laughter.)</p> <p>13 MR. JON NELSON: But that's just my experience,</p> <p>14 but that's good.</p> <p>15 MR. NICHOLAS HUBER: But I can definitely see</p> <p>16 about having the appendix included in that proposed</p> <p>17 draft.</p> <p>18 MR. JON NELSON: Yeah, that would help. Thank</p> <p>19 you. That's all I have.</p> <p>20 CHAIRMAN BRIAN DUZAN: Any other questions or</p> <p>21 comments from the council?</p> <p>22 (No response.)</p> <p>23 CHAIRMAN BRIAN DUZAN: Anybody from the public?</p> <p>24 (No response.)</p> <p>25 CHAIRMAN BRIAN DUZAN: Okay. Now, the one</p>
<p style="text-align: right;">Page 16</p> <p>1 question I -- I assume that since this is a change in</p> <p>2 fees, we have to vote on it in January when Legislature</p> <p>3 is in session.</p> <p>4 MR. NICHOLAS HUBER: I would say with that</p> <p>5 proposed change, we are evaluating how we would want to</p> <p>6 proceed with that. So it may not be included in the</p> <p>7 final draft that we take to public comment.</p> <p>8 CHAIRMAN BRIAN DUZAN: Okay.</p> <p>9 MR. NICHOLAS HUBER: So yeah. But we're</p> <p>10 still -- we're still working towards evaluating.</p> <p>11 CHAIRMAN BRIAN DUZAN: Okay.</p> <p>12 MR. NICHOLAS HUBER: But if we do go that</p> <p>13 route, we would provide for that, the documentation for</p> <p>14 the fee increase.</p> <p>15 MS. SHELLIE CHARD: And this Shellie Chard</p> <p>16 again.</p> <p>17 This rulemaking is scheduled to be voted on by this</p> <p>18 council in January and then heard by the Environmental</p> <p>19 Quality Board in February, so it would meet the</p> <p>20 legislative requirements for fees to happen during that</p> <p>21 time period if we do go through that process.</p> <p>22 CHAIRMAN BRIAN DUZAN: Okay.</p> <p>23 MR. NICHOLAS HUBER: Thank you.</p> <p>24 MS. MARY ELIZABETH MACH: I actually had a</p> <p>25 comment -- or a question. You had mentioned that you had</p>	<p style="text-align: right;">Page 17</p> <p>1 reached out to a fair variety throughout the state.</p> <p>2 MR. NICHOLAS HUBER: Uh-huh.</p> <p>3 MS. MARY ELIZABETH MACH: Was there a general</p> <p>4 consensus or comments that you received from the</p> <p>5 individuals or stakeholders?</p> <p>6 MR. NICHOLAS HUBER: So we sent a survey out to</p> <p>7 our certified installers and the certified -- the</p> <p>8 non-certified installers that do a significant number of</p> <p>9 installations. They had comments to submit in regards to</p> <p>10 what changes they'd like to see, which we incorporated</p> <p>11 into these changes. We have worked in attending their --</p> <p>12 the Oklahoma Onsite Wastewater Association holds</p> <p>13 quarterly meetings, and we began attending those at their</p> <p>14 request to start some of this process to elicit those</p> <p>15 suggestions. They provided a whole -- several pages of</p> <p>16 changes they'd like to see, and we've met with them</p> <p>17 several times to look at including those.</p> <p>18 We've also met recently -- actually, this week, with</p> <p>19 the Oklahoma Association to discuss changes that we have</p> <p>20 coming and get some other response back, as well.</p> <p>21 MS. MARY ELIZABETH MACH: Thank you.</p> <p>22 MR. NICHOLAS HUBER: Uh-huh.</p> <p>23 CHAIRMAN BRIAN DUZAN: Roughly how many</p> <p>24 installers do you have?</p> <p>25 MR. NICHOLAS HUBER: Currently, I believe we --</p>

<p style="text-align: right;">Page 18</p> <p>1 we certify 270 installers for the State, and there are</p> <p>2 quite a few non-certified installers that do a fair</p> <p>3 amount of work throughout the state.</p> <p>4 CHAIRMAN BRIAN DUZAN: Any other questions,</p> <p>5 comments?</p> <p>6 (No response.)</p> <p>7 CHAIRMAN BRIAN DUZAN: Okay. Thank you.</p> <p>8 MR. NICHOLAS HUBER: Thank you very much.</p> <p>9 CHAIRMAN BRIAN DUZAN: We look forward to</p> <p>10 seeing you in January.</p> <p>11 MR. NICHOLAS HUBER: Yes, thank you.</p> <p>12 CHAIRMAN BRIAN DUZAN: I would also like to</p> <p>13 note we do have a new member, Mary Elizabeth Mach has</p> <p>14 joined our council, so if you want to say a few words.</p> <p>15 MS. MARY ELIZABETH MACH: Oh, okay.</p> <p>16 (Laughter.)</p> <p>17 MS. MARY ELIZABETH MACH: Yes. My name is</p> <p>18 Mary Elizabeth Mach, and I'm very excited to join the</p> <p>19 council. This will be my first meeting. I am the past</p> <p>20 president of the Oklahoma Water and Environment</p> <p>21 Association and serve in a variety of roles at that</p> <p>22 organization, as well. And currently, I am the Oklahoma</p> <p>23 water and wastewater leader for Garver, and we are a</p> <p>24 consultant.</p> <p>25 So I've been in the industry about 14 years and love</p>	<p style="text-align: right;">Page 19</p> <p>1 it and have a passion for water. And, again, I'm glad to</p> <p>2 be here.</p> <p>3 CHAIRMAN BRIAN DUZAN: Okay. Next on the</p> <p>4 Agenda is Mark is going to talk about 252:710, Waterworks</p> <p>5 and Wastewater Works Operator Certification.</p> <p>6 Mark Hildebrand.</p> <p>7 MR. MARK HILDEBRAND: Good afternoon. My name</p> <p>8 is Mark Hildebrand. I'm an Environmental Programs</p> <p>9 Manager for the Water Quality Division. And as we</p> <p>10 discussed, this is going way back, July of 2018, when</p> <p>11 Mark and Robert and I discussed getting a stakeholder</p> <p>12 group together. Well, we've done that. And just to kind</p> <p>13 of rehash in the past, we used to have a waterworks and</p> <p>14 waste waterworks operation cert -- operator certification</p> <p>15 council. And Robert was on that council, Mark was on</p> <p>16 that council, and Jon was on that council. And Jon</p> <p>17 since -- I believe he moved over before they changed</p> <p>18 that, but I'm not positive on that.</p> <p>19 MR. JON NELSON: About the same time, yes.</p> <p>20 MR. MARK HILDEBRAND: But that was combined</p> <p>21 with our council, eliminated, and some members moved</p> <p>22 here.</p> <p>23 So we have kind of neglected those operator</p> <p>24 certification rules. And we got together and -- and have</p> <p>25 been working on these as a stakeholder group. And I just</p>
<p style="text-align: right;">Page 20</p> <p>1 want to comment that we're not asking for a vote today on</p> <p>2 these rules, but we'd like to discuss these proposed</p> <p>3 rules and get feedback from the council and members of</p> <p>4 the public.</p> <p>5 And we will schedule some public meetings probably</p> <p>6 later this month or early November to discuss this with</p> <p>7 our stakeholders and anybody involved that wants to</p> <p>8 comment on these rules, because we want to get it right.</p> <p>9 And some background is DEQ and also Robert was -- we</p> <p>10 were approached by members of -- from the southwest</p> <p>11 section of American Waterworks Association and also OWEA</p> <p>12 with concerns about the need to increase our required</p> <p>13 training hours for water and wastewater operators to</p> <p>14 equal or exceed that of surrounding states here in --</p> <p>15 surrounding Oklahoma.</p> <p>16 So since that time, we've formed a stakeholder group</p> <p>17 that was made up of the following people: Mark Matheson</p> <p>18 and Robert Carr of our council, Hong Fu and Paul Streets.</p> <p>19 Hong Fu is from Ponca City and Paul Streets is with</p> <p>20 Midwest City, and they're both the Environmental Services</p> <p>21 Director, and they were recommended by the Oklahoma</p> <p>22 Municipal League. And we had Sheldon -- recommended by</p> <p>23 the Rural Water Association was Sheldon Tatum from</p> <p>24 Hughes County, Rural Water District #6, and Tom Whitaker</p> <p>25 from Garvin County Rural Water District #6. And also, we</p>	<p style="text-align: right;">Page 21</p> <p>1 had Rick Moore, who's the Executive Director of the</p> <p>2 Oklahoma Municipal Contractor's Association as well as</p> <p>3 our DEQ staff.</p> <p>4 And we've had three stakeholder meetings, and I've</p> <p>5 assigned homework each time for the members of the group.</p> <p>6 So we've been corresponding by e-mails and sending things</p> <p>7 back and forth and came up with what you've got before</p> <p>8 you today.</p> <p>9 I just want to say that this group has a passion for</p> <p>10 water and wastewater and the operators, and they -- a big</p> <p>11 thing that was discussed initially was the importance of</p> <p>12 the water and wastewater operators and the need to</p> <p>13 increase the perceived value and specialized level of</p> <p>14 confidence by operators to promote the interest in</p> <p>15 pursuing water and wastewater operations as a career and</p> <p>16 replenishing the diminishing workplace -- workforce.</p> <p>17 Excuse me.</p> <p>18 And we felt it's important to use terms such as</p> <p>19 "professional development hours," because the occupation</p> <p>20 is vital to Oklahoma, and many a water and wastewater</p> <p>21 operators are undervalued in Oklahoma and that perception</p> <p>22 does need to change. So anything we can do, we're going</p> <p>23 to try and do that.</p> <p>24 In addition to the rule changes, DEQ has committed</p> <p>25 to update our operator certification database. And</p>



<p style="text-align: right;">Page 22</p> <p>1 because the proposed language increases the number of 2 training hours required for re-certification, DEQ will 3 encourage training option that minimize impact on 4 customer resources. We will develop online training 5 opportunities and encourage the use of on-site training 6 by senior operators that are out there right now. That's 7 always been available, but we were going to let everybody 8 know that that would be great.</p> <p>9 We're going to draft a fact sheet for the operator 10 certification to provide specific details on training, 11 pre-approval needed, and how to obtain approval for this 12 training, and that four cumulative hours can be over a 13 period of time. Say, if the operator -- say, if the lead 14 operator submits an application to us to be -- to put on 15 training, then he can have -- he or she can have it once 16 a week. Say, on every Monday this month, we're going to 17 do -- spend an hour on a certain subject with the 18 operator to pass on their knowledge to the staff there 19 and get credit for that training.</p> <p>20 And we -- we also committed to enhance operator 21 certification licenses to incorporate sustainable QR code 22 to more efficiently track training and avoid the need for 23 collecting personal information, so we're -- we're going 24 to get away from these scantron things that we've got 25 going, get into the -- at least the '90s, but...</p>	<p style="text-align: right;">Page 23</p> <p>1 (Laughter.)</p> <p>2 So now to the rule changes. The most significant 3 change involved changing the requirement for professional 4 training for a year. The previous requirement was four 5 hours no matter which level of certificate that's held. 6 In the proposed requirement is in Appendix C, which is at 7 the very back of your -- of the chapter. So at the back 8 of your folder, or for you folks out there, it's the back 9 page.</p> <p>10 And this is broken down by certification level, four 11 hours annual for D-Level, eight for C-Level, 12 for 12 B-Level, 16 hours for A-Level. And the group also 13 believed that a minimum of four of these hours must be 14 classroom, which is defined as in-person. So it -- it 15 can be hands-on at a water plant or sewer plant if it's 16 approved that way. If y'all submit -- if the operator 17 submits approval to us, and that would be count. But 18 we'd also have online available for the remaining. So it 19 can be a combination of classroom or online after you get 20 the first initial four hours.</p> <p>21 DEQ allows systems to hold their own training by 22 senior operators, and the stakeholder group and DEQ 23 believe this is a great opportunity to pass on 24 institutional knowledge on the specific treatment 25 processes at each plant.</p>
<p style="text-align: right;">Page 24</p> <p>1 The next thing we did is we added reciprocity 2 language that had been removed in the past. I don't 3 know. Jeff is probably the one that remembers rewrite 4 and D wrong where we took things that were in the 5 statutes out of our rules to make them shorter. Well, 6 that got us put on a list saying that we didn't have 7 reciprocity with other states. So we're putting it back 8 in the rule so we don't get called out as not having 9 reciprocity. So this is just going to eliminate some 10 confusion.</p> <p>11 And then we're adding a special certification for 12 DEQ employees, and this recognizes that staff had passed 13 the test, but don't really have the hands-on experience 14 required to operate treatment works. And when a DEQ 15 employee leaves employment here, then they will also 16 leave that certification behind unless they have prior 17 experience or something.</p> <p>18 So it does show that they can pass the test, fairly 19 knowledgeable about things, but -- and then also we're 20 going to clarify -- in these proposed rules, clarify that 21 a registered helper must work under direct supervision of 22 a certified operator, and a temporary operator may work 23 alone; clarify language throughout the text, including 24 adding definitions, cleaning up fees schedules, ensuring 25 consistency with statutes, removing citations to the</p>	<p style="text-align: right;">Page 25</p> <p>1 Oklahoma State Department of Health, 2 et cetera; and to be consistent with State statutes where 3 clarifying the need to apply for a temporary license 4 within ten days of employment if you do not already have 5 the appropriate certification.</p> <p>6 So to ensure this does not place additional 7 financial burden on our customers and promote seeking 8 appropriate level of certification, individuals holding a 9 temporary license, who make application for certification 10 exam within 180 days of acquiring a temporary license 11 will be credited the amount of temporary license 12 application.</p> <p>13 And that's all I've got.</p> <p>14 CHAIRMAN BRIAN DUZAN: Okay. Have questions or 15 comments from the council?</p> <p>16 MR. DUANE WINEGARDNER: Mark, one question I 17 have with this reciprocity, do we have contract operators 18 here in Oklahoma that also operate plants in, say, Kansas 19 or Arkansas or whatever?</p> <p>20 MR. MARK HILDEBRAND: I'm sure we do.</p> <p>21 MR. CHRIS WISNIEWSKI: Yes, we do.</p> <p>22 MR. MARK HILDEBRAND: I don't know of any 23 specific operators that go across -- you mean the 24 operators that go across border or companies?</p> <p>25 MR. DUANE WINEGARDNER: (Nodding head.)</p>

<p style="text-align: right;">Page 26</p> <p>1 MR. MARK HILDEBRAND: I'm asking you now.</p> <p>2 MR. DUANE WINEGARDNER: I -- I don't know. I</p> <p>3 don't know the answer.</p> <p>4 MR. CHRIS WISNIEWSKI: We do. My name is</p> <p>5 Chris Wisniewski and I run the Operator Certification</p> <p>6 Program. Am I loud enough for you-all?</p> <p>7 MS. SHELLIE CHARD: The microphone.</p> <p>8 MR. CHRIS WISNIEWSKI: Okay. Sorry.</p> <p>9 I'm Chris Wisniewski. I run the Operator</p> <p>10 Certification Program here at the DEQ. And yes, we do</p> <p>11 have contract operators, such as working for Veolia, or</p> <p>12 whatever they're called now. But they still have to</p> <p>13 maintain an Oklahoma operator's license. They can't</p> <p>14 bring their Kansas license in and work under that</p> <p>15 license. Does that answer your question?</p> <p>16 MR. DUANE WINEGARDNER: Yes.</p> <p>17 MR. CHRIS WISNIEWSKI: Okay. Very good. Thank</p> <p>18 you.</p> <p>19 MR. MARK HILDEBRAND: Thanks, Chris.</p> <p>20 MR. JON NELSON: Mark, I was curious if you</p> <p>21 could characterize the current status of the</p> <p>22 infrastructure that's in place to accommodate these new</p> <p>23 requirements for training, particularly the formal</p> <p>24 in-the-class-training.</p> <p>25 MR. MARK HILDEBRAND: The formal in-class</p>	<p style="text-align: right;">Page 27</p> <p>1 training, well, we've got our normal outlets that we've</p> <p>2 always had, our trainers. And we're also, as part of our</p> <p>3 facts sheet, we're going to try to encourage the lead</p> <p>4 operators to perform their own training, and that --</p> <p>5 because most of them are higher-level operators.</p> <p>6 And we've had some -- some feedback from some of</p> <p>7 these systems, and they're very concerned about having to</p> <p>8 take -- what I've heard so far is having to take so many</p> <p>9 hours of training. And the stakeholder group talked</p> <p>10 about this and suggested that -- our rules have always</p> <p>11 been if you get -- give training, you get four hours</p> <p>12 credit for every one hour of training you provide. So if</p> <p>13 they could give a four-hour course, then they would be --</p> <p>14 even an A operator would be covered for that whole year,</p> <p>15 and they'd be passing on their knowledge to all the</p> <p>16 people there at their plant, so...</p> <p>17 And that counts as -- it's hands-on. I know it says</p> <p>18 "classroom," but that can be going out there and working</p> <p>19 on a pump or, you know, any number of things directly</p> <p>20 right there at the plant.</p> <p>21 MR. MARK MATHESON: Or training them hands-on</p> <p>22 on their own system.</p> <p>23 MR. JON NELSON: Are the resources available</p> <p>24 for these guys to -- and gals to do such training in a</p> <p>25 classroom, do you think, or will they have to make them?</p>
<p style="text-align: right;">Page 28</p> <p>1 MR. MARK HILDEBRAND: Well, I guess -- I'm not</p> <p>2 real sure what resources we're talking about, Jon.</p> <p>3 MR. JON NELSON: Well, curriculum information</p> <p>4 used to do the teaching. You know, Rose State College</p> <p>5 has something like that. Is there just resources</p> <p>6 available to them to do a job that they really need to</p> <p>7 do?</p> <p>8 MR. MARK HILDEBRAND: Well, I mean, we've got a</p> <p>9 water and wastewater guide that they could use as far as</p> <p>10 that. But what I heard from the stakeholders and</p> <p>11 operators, that are involved in the group -- and I can</p> <p>12 let Robert or Mark comment on this, or David -- was just</p> <p>13 being able to pass on exactly how to operate that</p> <p>14 particular plant. And they'd just submit a -- submit</p> <p>15 something to us saying that they were going to teach them</p> <p>16 how to do this, that, or the other.</p> <p>17 MR. MARK MATHESON: I'd like to make a comment,</p> <p>18 and I brought it up at our stakeholder meeting. I had a</p> <p>19 manager, who does training for his operators every month,</p> <p>20 and he called me and he asked if he should buy California</p> <p>21 manuals to teach out of. And I said, "No. Teach them</p> <p>22 what they need to know to run your system so they can do</p> <p>23 your job when you're not there."</p> <p>24 And he said, "Good idea." And so -- and nobody --</p> <p>25 there's nobody that can write the curriculum for him to</p>	<p style="text-align: right;">Page 29</p> <p>1 use to teach his guys how to run his system other than</p> <p>2 him, so...</p> <p>3 MR. JON NELSON: But there is a means for some</p> <p>4 oversight that would speak to the quality of these --</p> <p>5 MR. MARK MATHESON: Yes.</p> <p>6 MR. JON NELSON: -- training sessions --</p> <p>7 MR. MARK MATHESON: Yeah.</p> <p>8 MR. JON NELSON: -- in -- in this document,</p> <p>9 right?</p> <p>10 MR. MARK HILDEBRAND: Right.</p> <p>11 Go ahead.</p> <p>12 MR. DAVID PRUITT: I'm David Pruitt. I'm an</p> <p>13 environmental manager. I'm over the Next Gen reporting,</p> <p>14 operator certification group. And yes, there's a process</p> <p>15 for the on-site training on making the application to our</p> <p>16 operator certification folks. We will evaluate the</p> <p>17 curriculum. We can provide feedback to them on what</p> <p>18 would be appropriate and not appropriate or work with</p> <p>19 them on the scheduling the approval of those training</p> <p>20 classes, and then the tracking of the actual completion</p> <p>21 of those instructions.</p> <p>22 To expand a little bit on your question, we are also</p> <p>23 actively pursuing IT development of a web application to</p> <p>24 provide access to online training. We're actively</p> <p>25 developing an online portal where people can access</p>

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1 online training modules. We will be actively seeking  
2 feedback from our customers from Rural Water, from  
3 Rose State, our sister programs from other states to  
4 amass training modules that are relevant, that are new,  
5 that are fresh that we will make available to our  
6 customers.

7 The goal there, especially with our increasing the  
8 number of training hours being required is to provide a  
9 viable option for our customers to access relatively  
10 cheap, if not free, training that's relevant and current  
11 and easily accessible. We realize that the additional  
12 hours may be perceived as slight -- a slight burden or --  
13 or impact on resources, so our goal is to provide options  
14 that have the least impact on resources as possible.

15 We have folks on staff that are actively working  
16 with developing those -- the web application for the  
17 online training. They have experience in doing that. We  
18 don't feel like that will be any significant challenge to  
19 us. The challenge will be keeping the training content  
20 fresh and relevant, but we're committed to do that and  
21 will rely heavily on our customers to provide feedback on  
22 whether we are meeting that objective or not.

23 MR. JON NELSON: Well, I'll just give you my  
24 opinion. I think this is quite a change in the  
25 requirements.

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1 quickly, so there -- there are options out there.

2 MR. JON NELSON: Yeah. And most systems can  
3 handle that, I'm sure. They're already doing that kind  
4 of thing. But the small systems are the ones that I'm  
5 concerned about more than the larger systems --

6 MR. MARK MATHESON: They can --

7 MR. JON NELSON: -- because they probably  
8 don't, and the same rules still apply to them. So I just  
9 want to make sure that that's in place.

10 Mark, one other question. You've got a special, I  
11 guess, certification for DEQ. And I didn't go through  
12 this in detail. But I know when I -- I got licensed as  
13 an operator -- I'll tell you how old it was,  
14 Dempsey Hall gave me the exams, okay?

15 (Laughter.)

16 Shortly after that, Dempsey promoted professional  
17 engineers who are not actual operators to get certified  
18 as operations because they thought it would be good for  
19 the designers to really know what was going on with the  
20 operators. Shortly after that, the DEQ's position kind  
21 of changed and it was really hard for a PE to get a  
22 license because they never had any plant experience.

23 I didn't look again at this in that regard again.  
24 But is there a means for a PE to get certified as an  
25 operator short of without hands-on plant --

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1 MR. MARK HILDEBRAND: Oh, yes.

2 MR. JON NELSON: And so the demand for  
3 continuing education is going to go up dramatically  
4 unless -- and really quickly unless this is implemented  
5 in some kind of a phased system. I don't want the small  
6 plant operators around the state to have a hard time  
7 getting the training they need because of demand and the  
8 demand can't be fulfilled. So I just want to be sure  
9 that we're on solid ground here and there's  
10 infrastructure available to accommodate that. Because  
11 this is a bunch of --

12 Sixteen hours a year, that's more than PE has to  
13 have in this state. We have to have 15 every -- every  
14 year and 30 every two years, so it's significant.

15 MR. MARK HILDEBRAND: I agree, Jon.

16 MR. DAVID PRUITT: Mark, if I could add. Once  
17 again, David Pruitt.

18 On that, keep in mind we are promoting the systems  
19 themselves as providing some of this training on-site.  
20 And instructors are actually given credit. If they do  
21 provide an hour of instruction, they get four hours of  
22 training credit. So even though for the A and B license  
23 holders, the hours of -- the new increased hours for  
24 renewal seems significant. If they are providing any  
25 training to their staff, they may have those hours pretty

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1 MR. MARK MATHESON: They can actually get  
2 certified up to a C level without any in-plant  
3 experience.

4 MR. JON NELSON: Beyond that, they do have to  
5 have in-plant?

6 MR. MARK MATHESON: Yes.

7 MR. JON NELSON: Well, you might want to think  
8 about it at some point -- maybe not with this version,  
9 but at some point having a special certification for  
10 licensed engineers at this type of plant that would raise  
11 them to a level beyond a C. A C is really a pretty low  
12 level, and I -- I think that's something to consider.

13 Because I think it's very valuable -- it has been  
14 for me anyway -- going into a plant and then the operator  
15 tells me, "What do you know about it?"

16 I said, "Well, I'm a AA." That goes a long way to  
17 these guys and gals, so just a point.

18 MR. MARK HILDEBRAND: Thanks, Jon. We'll note  
19 that and -- along with everything else.

20 MR. ROBERT CARR: Let me jump on what Jon just  
21 said, also, because I run into it from some of the higher  
22 level classification, particularly A-level operators  
23 where if you don't show up with at least an A, then  
24 they're -- some of them say that they will not take any  
25 direction from you because you don't have the appropriate

<p style="text-align: right;">Page 34</p> <p>1 licensing for that facility. And the professional 2 engineer should be able to give direction to the 3 operator, whatever classification they are. 4 So I'm -- I'm totally agreeing with you, Jon, on 5 that deal. 6 MS. MARY ELIZABETH MACH: Has there been any 7 motivation to phase this in on an interim basis, eight 8 hours in the 16 or 12 or something? Has that been 9 discussed or vetted? 10 MR. MARK HILDEBRAND: To be honest, with the 11 stakeholder group, that -- that was never even discussed. 12 That -- 13 And let me just say, you know, a lot of our small 14 systems, they probably aren't going to be A operators. I 15 mean, we're going to have some small systems that will be 16 B operators, and probably a whole bunch of them they're 17 going to be C operators, but -- so -- and maybe that's 18 why it never really got phased in. 19 I mean, I'll be honest. I had the same initial 20 reaction as you when we came up with 16 hours. But, I 21 mean, this was -- with our stakeholders that are 22 operators, you know, run Ponca City and Midwest City, and 23 they didn't bat an eye. They said that it's important. 24 MR. MARK MATHESON: I know that. Two of them 25 were --</p>	<p style="text-align: right;">Page 35</p> <p>1 MR. MARK HILDEBRAND: So they were all in on 2 it. 3 MR. MARK MATHESON: Yeah. Two of them were 4 from small rural water districts. 5 MR. MARK HILDEBRAND: Small rural water 6 districts, so... 7 MR. JON NELSON: But there's a lot of A plants 8 that are very small and have very small staffs, and they 9 can't really -- it would be hard for them to be in some 10 kind of training situation. Maybe one or two people that 11 can do it. But it -- it might be a bit more of a burden 12 on them than it would be, say, on some of the larger 13 ones. 14 MR. MARK HILDEBRAND: Well -- 15 MR. JON NELSON: Anyway -- 16 MR. MARK HILDEBRAND: And I've been to some of 17 those. And, honestly, they're probably the ones that 18 need to train their people the most because they're going 19 to get hired to go to a bigger plant is my experience. 20 They're going to get paid more to go to a bigger plant 21 and then they're -- that town is left with nobody that 22 can run that plant, so... 23 MR. JON NELSON: Yep, been there. 24 MR. MARK HILDEBRAND: I mean, that's just my 25 experience. And I can't speak for the stakeholder group,</p>
<p style="text-align: right;">Page 36</p> <p>1 but that's what I've seen at a lot of these smaller 2 advanced treatment -- 3 MR. JON NELSON: I'm sure some infrastructure 4 systems in maybe larger cities can adopt smaller cities, 5 or something to that effect, as long as it's not 6 site-specific training. But there may be ways to do it, 7 but I just want to make sure that it's not a crisis. 8 MR. MARK HILDEBRAND: And that's right. You 9 know, we might want to have some of these small towns, 10 that have reverse osmosis, maybe we can get a list of 11 them and have them get together for training and -- 12 MR. JON NELSON: Yeah, that's true. 13 MR. MARK HILDEBRAND: -- and encourage that. I 14 mean, that's something that we hadn't really talked 15 about, but that's -- that's why we're -- that's why we're 16 cussing and discussing it right now. 17 MR. JON NELSON: Right, yeah. 18 MR. MARK HILDEBRAND: Everything we hear helps 19 us. 20 MR. JON NELSON: Yeah. And I'm actually not 21 criticizing what you're proposing here. I actually am in 22 favor of -- of more stringent training. I think we've 23 been a little lax there and some of the quality of some 24 of the training, that I've sat through, is subject to 25 question.</p>	<p style="text-align: right;">Page 37</p> <p>1 MR. MARK HILDEBRAND: Uh-huh. 2 MR. JON NELSON: So this can be -- do nothing 3 but improve that. And it is important. And I think 4 the -- it's improved over the years and it's paid 5 dividends, so I'm not -- not criticizing, just pointing 6 out some concerns. 7 MR. MARK HILDEBRAND: Thank you. 8 MR. DUANE WINGARDNER: Mark, one thing I'd 9 to -- with the different varieties of treatment systems 10 for water and wastewater, I'm very happy to see that 11 we're doing on-site training, at least encouraging 12 on-site training so that you can be knowledgeable about 13 how your plant operates. 14 If you have maybe an RO system, there's probably six 15 different kinds of RO systems that are available. And if 16 you know your plant and you're trained in your facility 17 with your hands, I think that's a good idea. 18 MR. MARK HILDEBRAND: Right. 19 MR. MARK MATHESON: I think that was another 20 goal of the stakeholder group some, is there are a lot of 21 managers out there that really don't want to train their 22 employees because they feel it's job security. It's like 23 trying to give them a reason to train their employees. 24 MR. JON NELSON: True. Absolutely true. 25 CHAIRMAN BRIAN DUZAN: Okay. Any other</p>

<p style="text-align: right;">Page 38</p> <p>1 questions or comments from the council?</p> <p>2 (No response.)</p> <p>3 CHAIRMAN BRIAN DUZAN: Questions or comments</p> <p>4 from the public?</p> <p>5 (Indicating.)</p> <p>6 CHAIRMAN BRIAN DUZAN: Please come up to the</p> <p>7 podium.</p> <p>8 MS. CATHY GILLINGHAM: How do I turn on the</p> <p>9 mic?</p> <p>10 MR. MARK HILDEBRAND: It's on. I'm going to</p> <p>11 steal this. Oh, there you go.</p> <p>12 MS. CATHY GILLINGHAM: I'm Cathy Gillingham</p> <p>13 with the City of Tulsa, and I am representing both the</p> <p>14 water and wastewater side of the City.</p> <p>15 We have some questions and concerns, and I realize</p> <p>16 that this is the start of discussion. But we wanted to</p> <p>17 get in here and put this out there before the process got</p> <p>18 too far.</p> <p>19 One of the biggest questions we have is in the</p> <p>20 matrix for the amount of training, is this cumulative for</p> <p>21 each license in each class? I personally have three As</p> <p>22 and a C, so that gives me 56 hours per year.</p> <p>23 MR. MARK MATHESON: No. Sixteen hours will</p> <p>24 renew all of your licenses.</p> <p>25 MS. CATHY GILLINGHAM: Will renew --</p>	<p style="text-align: right;">Page 39</p> <p>1 MR. MARK MATHESON: All of them.</p> <p>2 MS. CATHY GILLINGHAM: Okay.</p> <p>3 MR. MARK MATHESON: It's based on the highest</p> <p>4 license you hold.</p> <p>5 MS. CATHY GILLINGHAM: That helps. That helps</p> <p>6 a lot. Because it wasn't clear by the way the matrix</p> <p>7 was -- was written, so that helps.</p> <p>8 With the internal training, Mark, as you were</p> <p>9 saying, maybe one hour a week just going over an SOP for</p> <p>10 a certain part of the process. The limiting factor there</p> <p>11 would be the approval process. It -- from those that do</p> <p>12 the training within our plants for the City -- and we</p> <p>13 bring in the small towns around us to be included in some</p> <p>14 of our larger trainings.</p> <p>15 The 42 days for approval. If you're just doing the</p> <p>16 one-hour a week training with your operators within your</p> <p>17 plant, setting that 42 days -- setting up that training</p> <p>18 42 days ahead of time and getting the approval would be</p> <p>19 pretty restrictive.</p> <p>20 And the way I understand it, it's -- it's mailed in</p> <p>21 or e-mailed. I haven't set up the training.</p> <p>22 MR. MARK MATHESON: You can actually do that to</p> <p>23 where you can call it a four-hour class and it's going to</p> <p>24 be one a month for four weeks, or you can say it's a</p> <p>25 12-week course one hour a week for 12 weeks.</p>
<p style="text-align: right;">Page 40</p> <p>1 MS. CATHY GILLINGHAM: Okay.</p> <p>2 MR. MARK MATHESON: However you want to do it</p> <p>3 as long as it's a minimum of four hours. And all it</p> <p>4 takes is one request for that. It doesn't -- it won't</p> <p>5 take a separate request for each hour.</p> <p>6 MS. CATHY GILLINGHAM: Okay. So not a separate</p> <p>7 request?</p> <p>8 MR. MARK MATHESON: Right.</p> <p>9 MS. CATHY GILLINGHAM: Okay. So --</p> <p>10 MR. MARK HILDEBRAND: You can send it in once a</p> <p>11 year or you can send it in once for your water and once</p> <p>12 for your wastewater or however, if you schedule it out</p> <p>13 that far.</p> <p>14 MS. CATHY GILLINGHAM: Okay. Okay. That would</p> <p>15 be helpful.</p> <p>16 I'm on -- more on the administrative side, and I sit</p> <p>17 in on webinars put on by EPA and AWWA. These, I consider</p> <p>18 to be classroom sessions. Sometimes I bring in others,</p> <p>19 the management that also are -- are updating -- their</p> <p>20 licenses. Sometimes operators themselves are involved.</p> <p>21 But it's difficult to get credit for these. I've been</p> <p>22 told by some people that -- that it just doesn't happen.</p> <p>23 Can those be included in what would be acceptable?</p> <p>24 MR. DAVID PRUITT: On those types of scenarios,</p> <p>25 the -- once again, David Pruitt, Environmental Manager</p>	<p style="text-align: right;">Page 41</p> <p>1 with Water Quality -- is the ability for us to handle the</p> <p>2 number of those type of requests that would be coming in</p> <p>3 for individuals that just sat through a single webinar.</p> <p>4 If you know in advance that you'll be sitting in on</p> <p>5 that webinar, you can contact us to see if we can get</p> <p>6 approval for that to count towards your training hours.</p> <p>7 But we really need to know in advance so we can qualify</p> <p>8 that and say, "Yeah, that is an appropriate training to</p> <p>9 meet the requirements of our pre-certification program."</p> <p>10 But I hope you can appreciate if we open that up to</p> <p>11 each individual sending in a statement that they sat</p> <p>12 through a webinar without prior approval, it would be</p> <p>13 difficult for our staff to stay on top of that and to</p> <p>14 verify and approve those type of training opportunities</p> <p>15 that you sit in.</p> <p>16 We're open to work with you on those. But</p> <p>17 typically, we would prefer prior approval for training</p> <p>18 opportunities that multiple people are sitting in on.</p> <p>19 And it really is a staffing issue on those type of</p> <p>20 situations.</p> <p>21 MS. CATHY GILLINGHAM: And those, the 42 days</p> <p>22 would be difficult on some of those webinars.</p> <p>23 MR. DAVID PRUITT: I --</p> <p>24 MS. CATHY GILLINGHAM: They -- they're not</p> <p>25 always scheduled that far out. But we've been</p>

<p style="text-align: right;">Page 42</p> <p>1 broadcasting, for example, lately all the webinars that 2 have been put on for the AWIA and the RRAs that are 3 coming up, and most of our management have been in there. 4 All of us have -- have licenses, and we don't have any 5 credit for that. So if we could get those applied, that 6 would be helpful. 7 And I don't know if there's a possibility of putting 8 in a smaller approval time for those kind of situations, 9 but that would be helpful. 10 MS. SHELLIE CHARD: This is Shellie Chard, 11 Water Quality Division Director. 12 I will tell you that while we will continue to have 13 a specified timeframe to try to get approval in advance, 14 we can approve a shorter period of time when there's a 15 valid reason, other than, "I just didn't think about it." 16 And if it's something that's announced today and it's in 17 two weeks, we would be willing, you know, to work with 18 you particularly in situations where you're having 19 multiple people come together, you'll be watching it, 20 you'll be having some conversations over these topics. 21 That's significantly easier rather than 35 operators 22 calling us today that they're going to sit in on 23 something later today. 24 MS. CATHY GILLINGHAM: Uh-huh. 25 MS. SHELLIE CHARD: That's harder to manage.</p>	<p style="text-align: right;">Page 43</p> <p>1 But we're definitely open to figuring out some of those 2 larger broadcast-type webinars, particularly where we 3 know who's producing them and the quality of the 4 information that's going to be provided. 5 MS. CATHY GILLINGHAM: Right. 6 MS. SHELLIE CHARD: So that's definitely 7 something we can work on with you. 8 MS. CATHY GILLINGHAM: And in Section 252: 9 710-1-8, on Suspension, Revocation, and Reinstatement. 10 In paragraph (a), it says, "DEQ may suspend a certificate 11 if proper professional development training is not 12 achieved in accordance with 252:710-1-7 or fees are not 13 paid." 14 In Section -- sorry. Part (d) of that same 15 section -- sorry, let me back up. 16 In part 1 under part (d), it says for reinstatement 17 after a suspended certificate, the operator must take the 18 certification examination, also. In part (d) of that 19 same section, Reactivation of expired certification, it 20 gives the operator two years to demonstrate all 21 professional development training have been met and 22 paying fees. No test is -- is required. 23 I requested that that section be reevaluated and 24 reworded. Because it sounds like if you don't get your 25 fees paid in time, that your license is suspended and you</p>
<p style="text-align: right;">Page 44</p> <p>1 have to retest only for fees being missed. However, in 2 part (d), it says you can pay the fees, prove that you've 3 met your training hours, and then you can -- you can 4 still get your certificate renewed. 5 MR. DAVID PRUITT: David Pruitt. 6 I -- I agree that does need to be reworded. The 7 intent there if somebody were to drop off recertification 8 as their career and decide to get back in, after that 9 two-year period -- up to that two-years period, doing 10 that could accommodate that. But it is conflicting, so 11 we will reword that. 12 MS. CATHY GILLINGHAM: Okay. Thanks. 13 For the reciprocity, will DEQ be maintaining a list 14 of states that we are working to have that reciprocity 15 with or who you are trying to align with? 16 MR. DAVID PRUITT: David Pruitt once again. 17 We can certainly start maintaining such a list. I 18 believe up to now, it's been just firsthand knowledge of 19 adjacent states and other states that offer that to us. 20 We've not compiled a list that we can make that available 21 to the general public on our website. But we can 22 certainly do that. 23 MS. CATHY GILLINGHAM: Your driving force right 24 now is -- is mainly adjacent states, though? 25 MR. DAVID PRUITT: Well, it is --</p>	<p style="text-align: right;">Page 45</p> <p>1 MS. CATHY GILLINGHAM: Or operator -- 2 MR. DAVID PRUITT: It's any state that would -- 3 would offer us reciprocity, as well. 4 MS. CATHY GILLINGHAM: Okay. 5 MR. DAVID PRUITT: The ones we're most familiar 6 with are adjacent states. 7 MS. CATHY GILLINGHAM: And I think that's it. 8 If we could work on rewording the reinstatement, I think 9 that's the biggest thing. 10 And thank you so much for clarifying that 16 hours 11 will cover all -- all class As and anything below it. 12 MR. MARK MATHESON: That takes a big load off. 13 MS. CATHY GILLINGHAM: That's much better 14 than -- 15 MR. MARK MATHESON: Took a big load off, didn't 16 it? 17 MS. CATHY GILLINGHAM: Yes, it did. Thank you 18 very much. 19 CHAIRMAN BRIAN DUZAN: Thank you. Any other 20 questions from the public? 21 (No response.) 22 CHAIRMAN BRIAN DUZAN: Any more questions or 23 comments from the council? 24 (No response.) 25 CHAIRMAN BRIAN DUZAN: Okay. We'll move on to</p>

<p style="text-align: right;">Page 46</p> <p>1 the next item, the Director's report. Shellie Chard.  2 MS. SHELLIE CHARD: Good afternoon. First of  3 all, I would like to also add my welcome to  4 Mary Elizabeth Mach joining us for her first meeting on  5 the council. We look forward to working with you on a  6 whole slew of upcoming rulemaking.  7 (Laughter.)  8 And, Jim, thank you so much for your service. We  9 will miss you and we appreciate what you contributed over  10 the years. It's amazing how quickly time passes.  11 Doesn't seem like it was that long ago, but it has been  12 awhile. So congratulations on your new opportunity.  13 MR. JIM RODRIGUEZ: Thank you.  14 MS. SHELLIE CHARD: The first item that I need  15 to cover with you today, Jim alluded to it actually in  16 some of his comments about the value of the councils that  17 DEQ has, the way we do rulemaking with the various work  18 groups and stakeholders and meetings and this body.  19 I need to let you know that Senate Bill 1027, that  20 passed this last Legislative session and was signed by  21 the governor, specifically sunsets all of the DEQ  22 councils effective July 1, 2020. Meaning that if the  23 Legislature does not act to recreate you, you will no  24 longer exist as a council.  25 It's obviously not something that we're in favor of.</p>	<p style="text-align: right;">Page 47</p> <p>1 We think we have a really good rulemaking process. We  2 think that we should have input from knowledgeable parties  3 across all of the areas that we regulate. We are trying  4 to explain to the legislators, the governor, why we think  5 it's important to have these councils and to have these  6 discussions. You know, we don't think we should be a  7 regulatory body that meets behind closed doors and comes  8 up with the rules and says, "Congratulations, here you  9 go."  10 We're hopeful that we will be successful in  11 explaining why we think our councils and board is so  12 important. So we're just providing that information to  13 you if you choose to speak with your legislators about  14 that. We would hope you would explain why you think  15 you're important to us. We know why you're important and  16 so hopefully, that will be rectified next legislative  17 session. So there will be more to come for sure on that  18 issue.  19 Some of you may have been contacted by the -- what  20 are they -- Office of Management of Enterprise Services.  21 If you have not yet, you probably will. They are trying  22 to get all of the State wards, councils, commissions, to  23 move to electronic deposit of any travels fees that are  24 paid. We're not driving that train. We do know several  25 of our Board members have been contacted and have been</p>
<p style="text-align: right;">Page 48</p> <p>1 told they have to convert so we expect that the council  2 members will also be contacted over the next few months.  3 I wouldn't be surprised to hear it will be mandatory at  4 some point. So that's something you should be on the  5 lookout. And if you have some concern or issue once you  6 are contacted by them, let us know and we'll try to work  7 with you to address those issues.  8 So now for the fun or the tedious part, looking at  9 some of the upcoming federal legislation and activities  10 that are likely to impact our regulated community and  11 also our rulemaking processes over the next year or two.  12 There's been a lot of talk about the Clean Water  13 Rule, Waters of the United States Rule, depending on the  14 timing at which thing it's called. EPA has published and  15 completed the step one of the two-step process. What  16 that means is we now, across the country, are reverted  17 back to the pre-2015 definition of Waters of the United  18 States. In most places in Oklahoma, it's a much smaller  19 issue than it is in places like Kansas and New Mexico,  20 Arizona.  21 Our State definition is much broader and does  22 include intermittent streams, waters that are not  23 traditionally navigable. There will be a step two and  24 that will be the replacement of the rule. EPA and the  25 Corp of Engineers are working on that but don't really</p>	<p style="text-align: right;">Page 49</p> <p>1 know for sure what it's going to say at this point.  2 Oil and gas is always big for us in this part of the  3 country. EPA has completed a review of the 11 oil and  4 gas CWA effluent limitation guidelines that apply to  5 discharges of various oil- and gas-generated wastewater.  6 They finished their report, and it was released as a  7 white paper for discussion. And now the Office of  8 Science and Technology at EPA headquarters is going in  9 and looking at each one of those 11 and looking at  10 whether they want to change it, leave it alone, or  11 eliminate it.  12 DEQ cares a lot about this one because of a change  13 in statutory authority that occurred a couple of sessions  14 ago where DEQ is now the permitting authority for oil-  15 and gas-produced water, for any discharges that would  16 occur. So we are working closely with EPA on obtaining  17 the authority. It will be a supplement to our existing  18 delegation agreement originating in 1995 or '96, so  19 that's something that is a big happening. A lot of  20 conversations with oil-and-gas community, but that's  21 definitely coming sooner rather than later.  22 We've been through one round of review with EPA on  23 our delegation agreement and we were answering a couple  24 of questions. And we've been told by EPA that within a  25 month of us resubmitting, that we would be granted</p>



<p style="text-align: right;">Page 50</p> <p>1 authority, so stay tuned definitely.</p> <p>2 EPA began work on a Water Reuse Action Plan in 2018.</p> <p>3 There was I don't know how many draft versions that we</p> <p>4 were asked to comment on unofficially. There was one</p> <p>5 round of official comments, and those comments, they were</p> <p>6 included in the most recent draft, which was published in</p> <p>7 the Federal Register for comments in September. It's a</p> <p>8 90-day public comment period.</p> <p>9 At this point, it is not a regulatory action by EPA,</p> <p>10 but it is a list of 37 actionable items that they are</p> <p>11 requesting people to review, comment on the</p> <p>12 appropriateness of those items, and to take ownership of</p> <p>13 those items. So it becomes non-regulatory, but they want</p> <p>14 states, cities, utilities, industries to commit to doing</p> <p>15 certain things in order to achieve this Water Reuse</p> <p>16 Action Plan.</p> <p>17 There is some that has pushed this more of a</p> <p>18 one-size-fits-all so everybody's water reuse programs</p> <p>19 across the country looks the same, use the same words,</p> <p>20 definitions. That's pretty problematic. California is</p> <p>21 very different than Oklahoma, which is very different</p> <p>22 from Virginia, and we're all pursuing water reuse in a</p> <p>23 way that makes sense for us. And in the absence of a</p> <p>24 federal regulatory scheme, this is kind of where we ended</p> <p>25 up.</p>	<p style="text-align: right;">Page 51</p> <p>1 So I would definitely say stay tuned on that one if</p> <p>2 you are involved in consulting work, municipal,</p> <p>3 wastewater or drinking water looking for new sources of</p> <p>4 drinking water. You may want to keep an eye on the</p> <p>5 Water Reuse Action Plan, or WRAP as it's known, in order</p> <p>6 to see how all of that shakes out by the time the comment</p> <p>7 period is over and there's a final version released.</p> <p>8 So to shift a little bit to some of the drinking</p> <p>9 water side of things, there are a lot of rules that</p> <p>10 have -- when you ask EPA, "When are they coming out?" the</p> <p>11 answer is, "Soon, very soon." The first one, that we've</p> <p>12 heard, not only very soon, but October 11th it's supposed</p> <p>13 to be announced, and that's the revised Lead and Copper</p> <p>14 Rule.</p> <p>15 States have commented along the way, but we won't</p> <p>16 know for sure what it says until it comes out. We know</p> <p>17 that there's been a lot of discussion of breaking it</p> <p>18 down. While it's still the Lead and Copper Rule, there</p> <p>19 are different requirements for lead and for copper,</p> <p>20 different sampling sites, different reporting levels,</p> <p>21 different action levels.</p> <p>22 We have heard that schools may specifically be</p> <p>23 included in the mandatory sampling sites based on some of</p> <p>24 the federal legislation that has been passed,</p> <p>25 congressional acts. We know that's something that</p>
<p style="text-align: right;">Page 52</p> <p>1 they're looking at very closely. We've heard that there</p> <p>2 will be individual household action levels as opposed to</p> <p>3 system-wide action levels, so that one has the potential</p> <p>4 for significant workload increase on the systems, the</p> <p>5 drinking water systems, laboratories, and, of course, my</p> <p>6 staff trying to do all the compliance work that's</p> <p>7 required. So that one is definitely going to be</p> <p>8 interesting to see what it looks like when it's actually</p> <p>9 published.</p> <p>10 Perchlorate is back. It was part of a 1999</p> <p>11 unregulated contaminate monitoring rule. After that</p> <p>12 monitoring was completed, EPA took no action. In 2008,</p> <p>13 the EPA determined they would not be regulating</p> <p>14 perchlorate. In 2011, the EPA determined they would be</p> <p>15 regulating perchlorate without additional data gathering.</p> <p>16 In August of 2019, EPA published a rule that it did</p> <p>17 establish an MCL of 56 micrograms per liter as both a</p> <p>18 health goal and an MCL, which is a little unusual that</p> <p>19 they would set the same number for both.</p> <p>20 The rulemaking notice itself included the</p> <p>21 opportunity for individuals to comment on the</p> <p>22 appropriateness of the MCL, the goal or not regulating</p> <p>23 perchlorate. So I'm not sure what that means exactly,</p> <p>24 other than that's one we're definitely watching pretty</p> <p>25 closely to see what happens.</p>	<p style="text-align: right;">Page 53</p> <p>1 So we've had two pretty significant acts by the</p> <p>2 United States Congress that impact water systems. The</p> <p>3 AWIA, which was referenced earlier, America's Water</p> <p>4 Infrastructure Act. There are several components that we</p> <p>5 are already engaged and will continue. One of those is</p> <p>6 the lead testing in schools and daycares. It's not a</p> <p>7 mandate, but there is a small amount of money to</p> <p>8 encourage states and systems to do that testing ahead of</p> <p>9 the revised Lead and Copper Rule. This is an area that</p> <p>10 DEQ is working, through our capacity development,</p> <p>11 drinking water, State Revolving Fund Program. We're</p> <p>12 working with the Secretary of Energy and Environments</p> <p>13 Office, the Health Department, the State, PTA, the</p> <p>14 Department of Education, so there's a big emphasis. And</p> <p>15 this is a high priority for the governor, as well. So</p> <p>16 that's something we definitely are going to be working</p> <p>17 on.</p> <p>18 There is about \$20,000 available to the State to</p> <p>19 implement this program, and a few hundred thousand</p> <p>20 dollars for testing these various schools. We're hoping</p> <p>21 there's going to be some money for, "When you find it,</p> <p>22 can we possibly have some money to replace those water</p> <p>23 fountains, replace those sinks in the schools?" So we'll</p> <p>24 see what happens on that program.</p> <p>25 Asset Management is another big component in AWIA</p>



<p style="text-align: right;">Page 54</p> <p>1 and this is an area where we, in knowing it was coming 2 and having had a pretty good asset management program on 3 the wastewater side, we've been trying to encourage work 4 with systems to improve their asset management and 5 working through some of our training providers and 6 technical assistance providers.</p> <p>7 Risk assessment and emergency response is also a 8 specific requirement in AIWA. We have a pretty good 9 emergency response system in place in Oklahoma. We have 10 had the opportunity to practice quite a bit with all of 11 the tornadoes, floods, wildfires. But this -- now there 12 are some specific requirements that systems will have to 13 develop a plan, and there are deadlines. For the bigger 14 systems, March 31, 2020; and for some of the smaller 15 systems, 2021, December 2021. So that's definitely 16 something that you'll be hearing more about. We'll be 17 working with systems.</p> <p>18 One of the big things that happened in OEM, consumer 19 confidence reporting for drinking water systems is going 20 from once a year to once every six months. We have been 21 working with some software to generate some of those 22 consumer confidence reports. I'm not sure exactly how 23 this provision, in going to every six months, 24 particularly when you have certain contaminants that are 25 a rolling annual average and you have contaminants that</p>	<p style="text-align: right;">Page 55</p> <p>1 are once every three years. Every six months reporting 2 isn't always the ideal timing, so we're going to have to 3 work through that. But we do think some software, that 4 we are working on, will allow us to do a lot of that 5 work, post those reports and make them available through 6 our website so that water systems would be able to have a 7 bill stuffer that says, "Here's the link to go see your 8 consumer confidence report for your drinking water." So 9 that's something that we are working on.</p> <p>10 The additional consumer confidence report 11 requirement is effective in December of 2020, so we have 12 about a year, a little over a year to get that worked 13 out.</p> <p>14 In the Water Infrastructure Improvement Act -- or 15 Water Infrastructure Improvements for the Nation Act, we 16 have, again, several key provisions, one related to small 17 disadvantaged communities. There is a grant fund that we 18 will be administering to help with the technical, 19 managerial, and financial capacity as part of the 20 Capacity Development Program that we already are 21 operating, and we have about a 45 percent cost-share 22 money that we have to match in order to get the federal 23 money. So we will be able to do some of that with work 24 that we are already have with Rural Water and some other 25 technical assistance providers.</p>
<p style="text-align: right;">Page 56</p> <p>1 One thing that definitely kind of got everyone's 2 attention, and that's the consolidation assessment that's 3 part of the WIIN Act. Basically requires that systems 4 look at consolidation or transfer of ownership, if their 5 drinking water system is not compliant. In some states, 6 they're already forcing that consolidation. We have 7 promoted regionalization where it makes sense. We've 8 looked at if we can kind of consolidate some 9 administrative functions, that that's very helpful.</p> <p>10 But this federal act requires that consolidation be 11 evaluated if a drinking water system is non-compliant 12 with health-based maximum contaminate levels. So I don't 13 know what else to say about that one. Stay tuned. We're 14 going to have to figure out how we assess the 15 reasonableness of consolidation.</p> <p>16 My quick thought, when I first started reading all 17 of that was, "Well, perhaps it becomes one of the options 18 that is included in engineering report review." We 19 currently require three options be considered. Maybe 20 that becomes one of the three. I don't know. I don't 21 know how we're going to implement that, but it will be 22 one we have to implement moving forward.</p> <p>23 The final regulatory item that I wanted to mention, 24 and I know we've talked about it before a little bit, and 25 that's the PFAS. It's been on the news on everything.</p>	<p style="text-align: right;">Page 57</p> <p>1 it's the per- and polyfluoroalkyl substances. It's a 2 group of chemicals. Depending on who you ask, there are 3 three to 6,000 chemicals in this class. There are no 4 current federal standards. Several states have set some 5 groundwater standards, clean-up standards and MCLs, and 6 they're down in the 10, 15, all the way up to 70 7 micrograms per liter range. Some states it's on 8 individual compound, some it's cumulative.</p> <p>9 I bring this up, not that we're looking to do 10 individual state standards, but because there are, at 11 last count, 37 federal acts, federal bills that have PFAS 12 limits or directives to different federal agencies to 13 establish PFAS levels. Most of the bills are related to 14 Department of Defense, that -- provisions added because 15 the Department of Defense has been asking for a clean-up 16 level.</p> <p>17 PFAS you can find in a lot of the military bases. 18 It's in firefighting foam, among other things. It's a 19 flame retardant, it's a grease retardant, so it's in all 20 of the fast food wrappings and all of the children's 21 clothing that's flame retardant, it's in Scotchgard. So 22 anything that repels a stain or water is going to have 23 some amount of PFAS chemicals in it.</p> <p>24 So we are watching to see what happens. But there's 25 a big push to set some national numbers. So I think that</p>

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1 one we're going to have to figure out how to deal with  
2 sooner rather than later.

3 The focus started on groundwater clean-up and  
4 quickly shifted to drinking water, and then it shifted to  
5 municipal wastewater treatment plants and biosolids,  
6 which they applied. They haven't historically been  
7 tested for PFAS. So there are a lot of different  
8 directions this one could go, so we'll see what happens.

9 But I'm not sure I have anything more to offer you  
10 other than when you hear the term "PFAS" pay attention.  
11 It's probably going to impact you, one way or the other,  
12 sooner rather than later.

13 I have one last thing that I would like to talk  
14 about before we open it up for comments.

15 Mark, would you --

16 MR. MARK HILDEBRAND: Yes.

17 MS. SHELLIE CHARD: So Mark is going to hand  
18 you copies of the Groundwater Protection Council Produced  
19 Water Report. This is the executive summary and it has a  
20 flash drive with the full report, and you can also  
21 download it on the GWPC site. This is what the report  
22 looks like so, you know, it's quick, easy, leisure  
23 reading.

24 (Laughter.)

25 If you're into this sort of thing, or it's the kind

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1 really know when they're coming and you have nowhere to  
2 go. You just rock and roll along with the earthquake.

3 So this report has a lot of information so I wanted  
4 to share that with you. And certainly if, as you read  
5 through, you have questions you want to discuss, you can  
6 let me know. And if I'm not the person, I can get you  
7 the right person that can talk with you about any of the  
8 particular items in the report. While it's this big,  
9 part of it is appendixes, so that helps. But it is  
10 broken into three parts. There is a regulatory piece so  
11 it's the framework around produced water, things that are  
12 common, things that we still need to figure out such as  
13 ownership and liability of produced water.

14 The middle part of the report is current practices  
15 inside oil-and-gas field to-date and information that  
16 would be helpful or needed for them to expand additional  
17 water reuse inside oil-and-gas operations.

18 And then the third and final piece is the  
19 forward-looking piece of the report, research needs in  
20 order to advance reuse and produced water. So there's a  
21 lot of good information there.

22 So with that, I will stop talking and let you guys  
23 play 20 questions with me.

24 CHAIRMAN BRIAN DUZAN: Okay. Any questions  
25 from the council?

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1 of thing that can keep you up at night trying to figure  
2 out what all the technical terms mean, this is a report  
3 over -- it was put together over a two-year period. It  
4 involved State, oil and gas, and environmental quality  
5 agencies. It involved oil and gas companies, the  
6 Environmental Defense Fund, Department of Energy,  
7 American Petroleum Institute, Groundwater Education and  
8 Research Foundation, and a whole group of others. I  
9 think there were about 30 to 35 people that participated  
10 in this effort.

11 This is the most comprehensive report on produced  
12 water to-date. Oklahoma had leading roles in the  
13 research and putting together this report, so we're  
14 pretty proud of it. As you know, Mike Pague, who used to  
15 sit on this council, now the DEQ board, was instrumental  
16 and heavily involved in getting this done. This takes a  
17 look at so many of the questions that we're going to have  
18 to figure out on permitting discharge of produced water,  
19 looking at reuse of produced water. That's something  
20 that came out of the water for 2060 Comprehensive Water  
21 Plan for the state was looking at produced water as a  
22 resource, not just a waste to be injected.

23 And there was the whole we don't really like  
24 earthquakes in Oklahoma. We figured out tornadoes, worse  
25 case scenario you hide. But earthquakes, you don't

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1 MR. DUANE WINEGARDNER: Do I have to get rid of  
2 my Teflon pans?

3 (Laughter.)

4 MS. SHELLIE CHARD: There is nothing requiring  
5 you to get rid of your Teflon pans.

6 MR. DUANE WINEGARDNER: Thank you.

7 MS. SHELLIE CHARD: You can decide if you want  
8 to or if you don't want to.

9 MR. JEFFREY SHORT: Yet.

10 (Laughter.)

11 MR. JEFFREY SHORT: Can't wash them.

12 CHAIRMAN BRIAN DUZAN: Any other questions or  
13 comments from the council?

14 (No response.)

15 CHAIRMAN BRIAN DUZAN: From the public?

16 (No response.)

17 CHAIRMAN BRIAN DUZAN: And I don't believe we  
18 have any new business.

19 So our next meeting is going to be January 7th,  
20 2020, 2:00 p.m. in this building, Multi-Purpose Room,  
21 first floor of the DEQ, 707 North Robinson,  
22 Oklahoma City. And then if we do get cut off, we'll just  
23 have one more meeting after that.

24 (Laughter.)

25 CHAIRMAN BRIAN DUZAN: Do we have a motion for

<p style="text-align: right;">Page 62</p> <p>1 adjournment?</p> <p>2 MR. JON NELSON: So moved.</p> <p>3 MR. DUANE WINEGARDNER: Second.</p> <p>4 CHAIRMAN BRIAN DUZAN: Okay. Vote.</p> <p>5 MS. QUIANA FIELDS: Mr. Carr.</p> <p>6 MR. ROBERT CARR: Yes.</p> <p>7 MS. QUIANA FIELDS: Ms. Mach.</p> <p>8 MS. MARY ELIZABETH MACH: Yes.</p> <p>9 MS. QUIANA FIELDS: Mr. Matheson.</p> <p>10 MR. MARK MATHESON: Yes.</p> <p>11 MS. QUIANA FIELDS: Mr. Nelson.</p> <p>12 MR. JON NELSON: Yes.</p> <p>13 MS. QUIANA FIELDS: Mr. Rodriguez.</p> <p>14 MR. JIM RODRIGUEZ: Yes.</p> <p>15 MS. QUIANA FIELDS: Mr. Short.</p> <p>16 MR. JEFFREY SHORT: Yes.</p> <p>17 MS. QUIANA FIELDS: Mr. Sowers.</p> <p>18 MR. STEVE SOWERS: Yes.</p> <p>19 MS. QUIANA FIELDS: Ms. Wells.</p> <p>20 MS. DEBBIE WELLS: Yes.</p> <p>21 MS. QUIANA FIELDS: Mr. Winegardner.</p> <p>22 MR. DUANE WINEGARDNER: Yes.</p> <p>23 MS. QUIANA FIELDS: Mr. Duzan.</p> <p>24 CHAIRMAN BRIAN DUZAN: Yes.</p> <p>25 MS. QUIANA FIELDS: Motion passed.</p>	<p style="text-align: right;">Page 63</p> <p>1 CHAIRMAN BRIAN DUZAN: So we are adjourned.</p> <p>2 Thank you.</p> <p>3 (Meeting adjourned at 3:25 p.m.)</p> <p>4 * * * * *</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 64</p> <p>1 CERTIFICATION</p> <p>2 I, Jennifer Payne Kaelin, a Certified Shorthand</p> <p>3 Reporter within and for the State of Oklahoma, do hereby</p> <p>4 certify that I was present at the Water Quality</p> <p>5 Management Advisory Council Meeting had October 1, 2019;</p> <p>6 that I recorded in stenotype notes all of said</p> <p>7 proceedings; and that I thereafter transcribed my notes</p> <p>8 so taken and reduced same to typewritten form; and that</p> <p>9 foregoing transcript of proceedings is full, true,</p> <p>10 correct and complete, to the best of my skill and</p> <p>11 ability, along with corrections made by the Department of</p> <p>12 Environmental Quality's staff.</p> <p>13 I further certify that I am not an attorney for nor</p> <p>14 relative of any of said parties or otherwise interested</p> <p>15 in the outcome or event of said action.</p> <p>16</p> <p>17 IN WITNESS WHEREOF, I have hereunto set my hand</p> <p>18 and affixed my official seal this 11th day of October,</p> <p>19 2019.</p> <p>20</p> <p>21 <i>Jennifer Payne Kaelin, CSR</i></p> <p>22 _____</p> <p>23 Jennifer Payne Kaelin, CSR#1748</p> <p>24 Official Court Reporter</p> <p>25</p>	



# WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record

October 1, 2019

Department of Environmental Quality  
Oklahoma City, Oklahoma

CHECK BOX TO COMMENT

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Traci Kelly	DEQ		
Shellee Chard	DEQ		
Jon Nelson	WQMAC		
Ann Short			
Mark Hildebrand	DEQ		
Mark Matheson	ORWA		
Terry Lyhane	DEP		
Deane Wirregardner	WQMAC		
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Richard McDonnell	DEQ		
Bud Ground	EFO		
MIKE MATHIS	CONTINENTAL		
Quiana Fields	ODEQ		
Nicholas Hubs	ODEQ		
Cathy Gillingham	City of Tulsa	cgillingham@cityoftulsa.org	
Jeff Frank	ODEQ		
Travis Couch	ODEQ		
Don King	ODEQ		
Michelle Wyman	DEQ		
Andrew Hummer	ODEQ		
GREG CARR	ODEQ		
JENNIFER BOYLE			
Botsey Stewli	ODEQ		